



~~August 15, 2006 CPC~~  
~~October 17, 2006 CPC~~  
~~December 14, 2006 CPC~~  
~~February 20, 2007 CPC~~  
~~June 19, 2007 CPC~~  
September 18, 2007 CPC

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0313

Lauckland Homes LLC

Midlothian Magisterial District  
Davis Elementary; Providence Middle; and Monacan High Schools Attendance Zones  
East and west lines of Tacony Drive

**REQUEST:** Rezoning from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements.

**PROPOSED LAND USE:**

A residential townhouse development with a maximum of thirty (30) units is proposed, yielding a density of approximately 4.84 dwelling units per acre. (Proffered Condition 10)

**(NOTE: IN ORDER FOR THE COMMISSION TO CONSIDER THIS CASE AT THEIR SEPTEMBER 18, 2007, MEETING, A \$250.00 DEFERRAL FEE MUST BE PAID.)**

**RECOMMENDATION**

Recommend denial for the following reasons:

- A. The proposal exceeds the density recommended by the Eastern Midlothian Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.
- B. The proffered conditions do not adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this

development is discussed herein. The proffered conditions address the impact of this development on all categories of capital facilities except roads. Consequently, the county's ability to provide adequate road facilities will be adversely affected. Therefore, the proffered conditions do not insure adequate service levels are maintained and do not protect the health, safety and welfare of County citizens.

- C. The request fails to address transportation concerns relative to public roads and mitigating road improvements, as discussed herein.
- D. The request fails to provide for design standards such as street trees, sidewalks, recreational open space and focal point typically required for projects seeking exceptions to Ordinance requirements.
- E. The Textual Statement and Proffered Conditions are in some instances unclear, contradictory, and create enforcement/implementation/legal issues.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.)

#### PROFFERED CONDITIONS

1. The ultimate design of the development shall generally conform to the Conceptual Plan prepared by Barthol Design Associates, P.C., dated September 16th, 2006, titled "Ellis Place." The location of driveways, parking areas, roads and buildings need not be exactly as shown on the Conceptual Plan; however, the concepts of the Plan shall be generally adhered to. (P)
2. The applicant(s), subdivider(s), or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
  - a. \$7,800 per dwelling unit, if paid prior to July 1, 2007. At the time of payment, the \$7,800 shall be allocated pro-rata among the facility costs as follows: \$5,331 for schools, \$602 for parks, \$348 for library facilities, \$404 for fire stations, \$1,115 for roads; or
  - b. The amount approved by the Board of Supervisors is not to exceed \$7,800 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made, if paid after June 30, 2007. The payment shall be allocated pro-rata as set forth above.
  - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

3. Public water and wastewater systems shall be utilized. (U)
4. The base price of the homes shall not exceed \$167,950. The base price of the homes shall be adjusted upward by any increase in the Marshall and Swift Building Cost Index between approved rezoning of the property and the fiscal year in which the building permit is issued. (Unknown)
5. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved device has been installed. (EE)
6. The property located on the west-side of Tacony Drive shall be encumbered by a conservation easement in order to restrict further development. Permitted development within the conservation easement shall be limited to passive recreation and storage of recreational vehicles mentioned in proffered condition number fourteen (14). (P)
7. Direct vehicular access from the property to Tacony Drive shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)
8. Sidewalks shall be provided within the proposed development in order to provide adequate pedestrian circulation. The exact design, treatment, and location of the sidewalk shall be approved by the Planning Department at the time of tentative subdivision plan review and site plan review. (P)
9. Street trees shall be installed along the east side of Tacony Drive within the development. (P)
10. A maximum of thirty (30) dwelling units shall be permitted on the property. (P)
11. Dwelling units shall have a minimum gross floor area of 1,100 square feet. (P, BI)
12. All private driveways within the proposed townhome community shall be hardscaped. The exact treatment shall be approved at the time of tentative subdivision plan review. (P)
13. There shall be no exterior storage of propane tanks larger than forty (40) pounds. (P)
14. No Motor vehicle will be parked on or adjacent to any lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or

equipment will be parked on a street in the subdivision or on any lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the subdivision or on any lot except in a driveway.

- a. However, recreational vehicles, such as the ones listed above, may be stored in the screened lot located on the property west of Tacony Drive. This lot shall be screened by, either, a wood fence or a vegetative buffer.

15. Declarant, as owner of all the property subject to the declaration, shall at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a nonprofit corporation to be named "Ellis Place Homeowner's Association" or a similar name (the "Association").

- a. All owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each lot owned by them (provided, however, that if a lot is owned by more than one owner, the owners of such lot shall be entitled to only one vote between them) on all matters which are required to be decided by a vote of the Members of the Association.
- b. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty five (85) percent of the lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of who, shall be selected by the Declarant.
- c. Each year the Board of directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro-rata share of the budget, which shall be computed by dividing the total Budget by the number of lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
- d. In addition to any Annual Assessment, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.
- e. Any Annual Assessment or Special Assessment (the "Assessment") which is not paid by an Owner within such time as shall be determined by the

Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the lot owned by such Member, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waiver or escapes liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessment due nor any lot from the lien of any Assessments. The amount of any such lien maybe enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorney's fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the as herein provided. Notwithstanding the above, a party who acquires title to a lot by virtue of the foreclosure of lien is subordinate or by a deed of assignment in lieu of foreclosure any liability of lien chargeable to such lot on account of any period of time prior to such acquisition of title. The acquiring party shall, however, be bound by the provisions of this declaration including, without limitation, Assessments effective after said acquisition of title. (Unknown)

16. Prior to Tentative Plan submittal, the developer shall dedicate sufficient property to achieve an ultimate right-of-way width of seventy (70) feet for Tacony Drive.  
(T)

#### GENERAL INFORMATION

##### Location:

East and west sides of Tacony Drive, south of Elkhardt Road. Tax ID 767-700-1223  
(Sheet 7).

##### Existing Zoning:

A

##### Size:

6.2 acres

##### Existing Land Use:

Single family residential

### Adjacent Zoning and Land Use:

North, and South – R-7; Single family residential or vacant -  
East – R-9; Single family residential or vacant  
West – R-7 and A; Single family residential or vacant

### UTILITIES

#### Public Water System:

There is an existing twelve (12) inch water line extending along Elkhardt Road, adjacent to this site. An eight (8) inch water line was stubbed out from the twelve (12) inch line for future extension along Tacony Drive. The developer will be required to extend an eight (8) inch water line along Tacony Drive and tie-in to the existing eight (8) inch line at Cozy Lane, approximately 290 feet south of this site. Use of the public water system is intended and has been proffered. (Proffered Condition 3)

#### Public Wastewater System:

There is an existing ten (10) inch wastewater sub-trunk line extending the course of natural drainage approximately 150 feet west of this parcel. This line continues along the northwestern portion of this site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 3)

### ENVIRONMENTAL

#### Drainage and Erosion:

The subject property drains to the west under Elkhardt Road and to a tributary of Pocoshock Creek. There are no known on- or off-site drainage or erosion problems and none are anticipated after development. The property is partially wooded and should not be timbered without obtaining a land disturbance permit from the Environmental Engineering Department and the appropriate devices installed. (Proffered Condition 5)

#### Water Quality:

The majority of the property is located to the east of Elkhardt Road with a small sliver located to the west. The western sliver of property backs up to several lots located on Parkway Lane. If this sliver of property is not developed and left natural, then no perennial flow determination will be required on the off-site stream. If, however, that portion of the property located west of Elkhardt Road is ever developed, then a perennial flow determination will be required prior to tentative or site plan approval.

## PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program.

### Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations. Based on twenty-nine (29) dwelling units, this request will generate ten (10) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 2)

The Manchester Fire Station, Company Number 2 and Forest View Volunteer Rescue Squad provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

### Schools:

Approximately sixteen (16) students will be generated by this development. Currently this site lies in the Davis Elementary School attendance zone: capacity - 674, enrollment - 686; Providence Middle School zone: capacity - 1,089, enrollment - 993; and Monacan High School zone: capacity - 1,692, enrollment - 1,642. The enrollment is based on September 30, 2005, and the capacity is as of 2005-2006. There are currently two (2) trailers at Davis Elementary and six (6) trailers at Providence Middle that are used for various programs.

This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of this development on school facilities. (Proffered Condition 2)

### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed Countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County. Development could affect the existing Bon Air and La Prade Libraries or a proposed new library in the vicinity of Reams Road and Lucks Lane on Courthouse Road. The need for this new facility is identified in the Public Facilities Plan. The applicant has addressed the impact of this development on libraries. (Proffered Condition 2)

### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has addressed the impact of this request on Parks and Recreation facilities. (Proffered Condition 2)

### Transportation:

The property is 6.2 acres located along Tacony Drive. The applicant is requesting rezoning from Agricultural (A) to Residential-Townhouse (R-TH) and has proffered a maximum density of thirty (30) dwelling units (Proffered Condition 10). Based on townhouse trip rates, this request could generate approximately 230 average daily trips. Some of this traffic would be distributed to Hull Street Road (Route 360), which had a 2003 traffic count of 59,941 vehicles per day between Turner Road and Chippenham Parkway. Based on the amount of traffic it carried during peak hours, Route 360 in this area was at capacity (Level of Service E). Some of this traffic would also travel along Elkhardt Road, which had a 2004 traffic count of 1,600 vehicles per day and was functioning at an acceptable level. (Level of Service C)

The Transportation Department does not support this request because

- 1) it would permit private roads to be developed in a residential-townhouse subdivision, and
- 2) the request fails to address the traffic impact of this development.

Past experience with private roads in townhouse developments has shown that long-term road maintenance becomes a problem. Road maintenance is a costly activity and, in several instances, the entity responsible for maintenance of private roads has failed to maintain them. Ultimately, the residents of these townhouse developments have contacted the county asking it to repair these private roads. The county does not have funds available for the maintenance of these roads. The Virginia Department of Transportation (VDOT) maintains all public roads in the county. In order to ensure the long-term maintenance of the roads within this proposed development, the applicant should proffer that all roads within the development will be accepted into the state system by VDOT. The applicant is not willing to make this commitment.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. The applicant should proffer to contribute cash or provide improvements towards mitigating the traffic impact of this development. The applicant is not willing to address the traffic impact of this request.



The Thoroughfare Plan identifies Tacony Drive as a collector with a recommended right of way width of seventy (70) feet. The applicant has proffered to dedicate sufficient property to achieve a seventy (70) foot wide right of way for Tacony Drive adjacent to the property in accordance with this Plan, however, this proffer should be revised to clarify timing of the dedication. (Proffered Condition 16)

Access to collectors, such as Tacony Drive, should be controlled. The applicant has proffered to limit access from the property to Tacony Drive to one (1) public road. (Proffered Condition 7)

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	30*	1.00
Population Increase	81.60	2.72
Number of New Students		
Elementary	6.99	0.23
Middle	3.90	0.13
High	5.07	0.17
TOTAL	15.96	0.53
Net Cost for Schools	\$160,440	\$5,348
Net Cost for Parks	18,120	604
Net Cost for Libraries	10,470	349
Net Cost for Fire Stations	12,150	405
Average Net Cost for Roads	268,260	8,942
TOTAL NET COST	\$469,440	\$15,648

\* Based on a proffered maximum of 30 dwelling units (Proffered Condition 10). The actual number of units and corresponding impact may vary.

The need for schools, parks, libraries, fire stations, and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan, and Adopted Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed

development. The applicant has offered \$7,800 per dwelling unit (Proffered Condition). This amount adequately addresses all categories of capital facilities except roads.

Consequently the county's ability to provide adequate road facilities will be adversely affected.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case. Staff recommends the applicant fully address their impact on road facilities.

The Planning Commission and the Board of Supervisors, through their consideration of this request, may determine that there are unique circumstances relative to this request that justify acceptance of proffers as offered for this case.

The County Attorney has advised that Proffered Condition 4 cannot legally be accepted because it establishes a sales price for the homes. The county is not permitted to control compensation for the use of land through zoning and such a proffer could be challenged as an unconstitutional taking. While the county is entitled to promote affordable housing through zoning decisions, the bare establishment of a sales price does not contain sufficient measures and controls to be considered an affordable housing program.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Eastern Midlothian Plan which suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.

### Area Development Trends:

Surrounding properties are zoned Residential (R-7), Residential (R-9) and Agricultural (A) and are occupied by single family residential use within Meadow Park, Providence Farms and Schloss Manor Subdivisions, on acreage parcels or are vacant. It is anticipated that residential use will continue in the area as recommended by the Plan.

### Site Design:

Residential Townhouse (R-TH) zoning is proposed to allow a thirty (30) unit residential townhouse subdivision. The development will have design features which include sidewalks, street trees, open spaces; however these features, as proposed, and the lack of a focal point fail to provide minimum quality design standards consistent with the requirements offered for similar developments where exceptions to Ordinance standards are requested.

Except where exceptions to the Zoning Ordinance standards for Residential Townhouse (R-TH) Districts are requested, development will comply with the required conditions in the Ordinance for such developments and will be generally as depicted on the Conceptual

Plan prepared by Barthol Design Associates, P.C. dated September 16, 2006 (Attachment), as described in the Textual Statement (Attachment) and as provided in the proffered conditions. It is important to note, however, that the Proffered Conditions, Textual Statement and Conceptual Plan should not be accepted without revisions to provide clarity and to resolve enforcement and legality issues relative to adherence to the Textual Statement and Conceptual Plan, duplicate and contradictory standards within the Proffered Conditions and Textual Statement, a reduction in buffer requirements, and proposed requirements for open space preservation, recreational vehicle storage, on- and off-site motor vehicle parking, sidewalks, street trees, storage of propane tanks and restrictive covenants.

Further, staff is concerned that the development plan provides for strip higher density residential development oriented towards a collector road.

#### Uses:

Recreational vehicle (including boats, travel trailers and campers) storage is proposed on a portion of the request property. Requesting the use as part of the Conditional Use Planned Development would limit the area to a maximum of thirty (30) percent of the overall acreage. The general location of the storage area and minimum design standards such as setbacks and screening/buffers are not addressed.

Proffered Conditions 13 and 14 relative to outside storage of certain propane tanks and personal, commercial and recreational motor vehicles should be addressed through restrictive covenants.

#### Common Areas:

The Zoning Ordinance requires a minimum of twenty (20) percent of the total gross acreage, approximately 1.24 acres, as common open area. Proffered Condition 6 requires the property on the west side of Tacony Drive to be placed in a conservation easement, but then proposes recreational vehicle storage within this area. It is unclear whether this area is proposed to be owned and maintained by a homeowners association established for the development. No information has been provided relative to the amount of open space to be preserved on the portion of the request property along the east side of Tacony Drive where development will occur. In order to be affective, open space, as required by the Ordinance, should be provided throughout the developed area, not across the street.

Similarly, the Zoning Ordinance requires an area conveniently accessible to, and included within, the development consisting of, in this case, not less than one and one-half (1 ½) acres, to be provided for active and passive recreational use by the occupants. A recreational area is not proposed for this development.

### Cluster Standards:

Certain development standards offered for this development (i.e. sidewalks, street trees and open space) fail to provide quality consistent with those typically required by the Planning Commission and Board of Supervisors on similar projects where exceptions to Ordinance development standards (i.e. setbacks, buffers, etc.) are requested. (Proffered Conditions 8, 9, 12)

### Dwelling Unit Size:

Dwelling units will have a minimum gross floor area of 1,100 square feet. (Proffered Condition 11)

### Buffers:

Rather than the fifty (50) foot buffer required along the eastern property line adjacent to Meadow Park Subdivision which is zoned Residential (R-9), a ten (10) foot buffer is proposed however, there are no standards established for this reduced buffer. (Textual Statement Section F)

Since Tacony Drive is a collector street, the Subdivision Ordinance requires a thirty-five (35) foot buffer adjacent to the ultimate right of way of Tacony Drive. The Conceptual Plan depicts at its closest point an area of approximately fifteen (15) feet in width maintained adjacent to Tacony Drive. The Textual Statement erroneously includes language requesting an exception to the minimum buffer required along this collector road. An exception to buffer requirements of the Subdivision Ordinance cannot be granted through this Conditional Use Planned Development.

### Restrictive Covenants:

Proffered Condition 15 discusses establishment of a homeowners association which is already required by Ordinance when open space is recorded within a development and therefore may not be necessary. If certain restrictive covenants are proposed to be guaranteed with this request, a proffered condition would be necessary to require the covenants to be recorded prior to recordation of the subdivision plat. The proffered condition would include the specific language of each covenant to be recorded.

## CONCLUSIONS

The proposed density of this development exceeds the density recommended by the Eastern Midlothian Plan. The Plan suggests the property is appropriate for residential use of 2.51 to 4.0 dwelling units per acre.

Secondly, the proffered conditions do not adequately address the impacts of this development on road capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the

Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions address the impact of this development on all categories of capital facilities except roads. Consequently, the county's ability to provide adequate road facilities will be adversely affected. Therefore, the proffered conditions do not insure adequate service levels are maintained and do not protect the health, safety and welfare of County citizens.

In addition, the request fails to address concerns of the Transportation Department relative to providing public road and mitigating the traffic impact of this development, as discussed herein. The request also fails to provide for street trees, sidewalks, recreational open space and a focal point consistent with the requirements offered for similar developments where exceptions to Ordinance standards are requested.

Further, the Proffered Conditions, Textual Statement and Conceptual Plan should not be accepted without revisions to provide clarity and to resolve enforcement and legality issues relative to adherence to the Textual Statement and Conceptual Plan, duplicate and contradictory standards within the Proffered Conditions and Textual Statement, a provision establishing a maximum sales price for units, a reduction in buffer requirements, timing of right of way dedication and proposed requirements for open space preservation, recreational vehicle storage, on- and off-site motor vehicle parking, sidewalks, street trees, storage of propane tanks and restrictive covenants.

Given these considerations, denial of this request is recommended.

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## CASE HISTORY

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### Planning Commission Meeting (8/15/06):

At the request of the applicant, the Commission deferred this request to October 17, 2006.

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### Staff (8/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 21, 2006, for consideration at the Commission's October public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

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### Applicant (9/25/06):

The deferral fee was paid.

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Applicant (9/22/06 and 10/2/06):

Revisions were submitted.

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Planning Commission Meeting (10/17/06):

At the request of the applicant, the Commission deferred this case to their December 14, 2006, public hearing.

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Staff (10/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than October 23, 2006, for consideration at the Commission's December public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

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Applicant (11/7/06):

Revisions were submitted.

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Applicant (11/9/06):

The deferral fee was paid.

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Planning Commission Meeting (12/14/06):

At the request of the applicant, the Commission deferred this request to their February 20, 2007, public hearing.

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Staff (12/15/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 20, 2006, for consideration at the Commission's February 20, 2007, public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

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Applicant (12/28/06):

The deferral fee was paid.

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Staff (1/24/07):

To date, no new or revised information has been submitted.

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Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to their June 19, 2007, meeting.

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Staff (2/22/07):

The applicant was advised in writing that any new or revised information should be submitted no later than April 16, 2007, for consideration at the Commission's June 19, 2007, public hearing.

In addition, the applicant was advised that a \$250.00 deferral fee must be paid prior to the June meeting.

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Staff (5/14/07):

No new or revised information has been received, nor has the deferral fee been paid.

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Applicant (6/6/07):

The deferral fee was paid.

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Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to their September 18, 2007, meeting.

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Staff (6/20/07):

The applicant was advised in writing that any new or revised information should be submitted no later than July 16, 2007, for consideration at the Commission's September 18, 2007, public hearing.

In addition, the applicant was advised that a \$250.00 deferral fee must be paid prior to the September meeting.

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Staff (8/23/07):

No new or revised information has been received, nor has the deferral fee been paid.

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**Draft Proffer Conditions**  
**6729 Elkhardt Road; Tax ID: 767-700-1223-00000**

**Property Owner: Jim Lauck**

**~~October 16<sup>th</sup>, 2006~~**

**November 6<sup>th</sup>, 2006**

**I. TEXTUAL STATEMENT**

**Location:** Midlothian Magisterial District, South of intersection of Elkhardt Road and Tacony Drive

**Request:** Rezoning from Agricultural to Residential Townhouse (R-TH) with Conditional Use Planned Development (CUPD) to permit exceptions to standards in the Residential Townhouse (R-TH) District.

**I. General Requirements**

**A. Sidewalks:**

A sidewalk shall be provided to accommodate pedestrian circulation through the development as generally shown on the Master Plan. The exact design, treatment and location of the sidewalk shall be approved by the Planning Department at the time of tentative subdivision plan review and site plan review. Sidewalks shall not be required along Tacony Drive.

**B. Street Trees:**

Street trees shall be installed along both sides of any roads and drives which accommodate general traffic circulation through the development. Retained trees along these roads and drives may be counted toward this requirement. The Planning Department, at the time of site or tentative subdivision plan review, shall approve a conceptual landscaping plan. The exact location, spacing, size, and species of planting shall be approved by the Planning Department prior to site plan approval or the recordation of the subdivision plat.

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## **II. Residential Townhouse Required Conditions**

Except as stated herein, the requirements of the Zoning Ordinance for the R-TH District shall be applicable.

- A. **Minimum Acreage:**  
The gross acreage of this proposed development is 6.2+/- acres. Request an exception to the 10 acre minimum.
- B. **Density:**  
Development shall not exceed a density of 5.0 dwelling units per acre.
- C. **Recreational Area Required:**  
An exception to the recreational open space requirement is requested.
- D. **Fence Height Requirement:**  
Any fence located in any yard shall not exceed a height of seven (7) feet.
- E. **Buffers:**  
A forty (40) foot exception to the fifty (50) foot buffer requirement adjacent to R-7 and R-9 zoned property. A twenty-five (25) foot exception to the thirty-five (35) foot buffer requirement adjacent to collector streets.

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City of Richmond

CHIPPENHAM PKWY

SCHLOSS MANOR

R-7

ELKHARDT RD

ELKHARDT PARK

R-7

ANDERSONS FORGE

R-9

BELLOWS DR

TURNER RD

R-7

IBER HEIGHTS

FORESTDALE

WOODFIELD

R-7

C-5

R-7

MANCHESTER HEIGHTS

PROVIDENCE FARMS

ELK RD

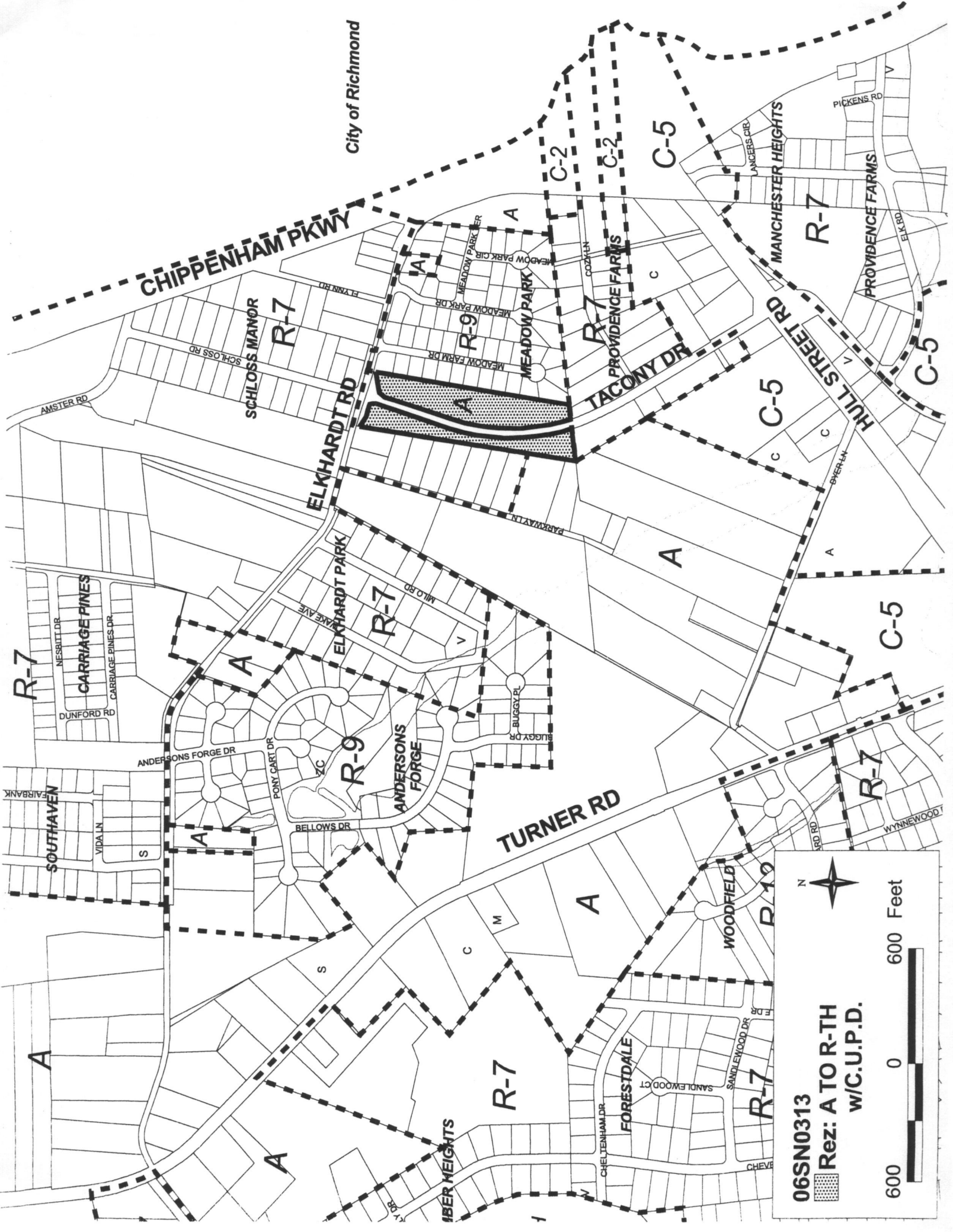
PICKENS RD

HILL STREET RD

WYNNEWOOD



06SN0313  
Rez: A TO R-TH  
w/C.U.P.D.



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A map of the study area in Hanoi, Vietnam. The map shows the city of Hanoi, with the study site (SITE) located in the center. The map includes a scale bar (0-2000m) and a north arrow. The study site is marked with a black dot and labeled 'SITE'. The map also shows the city of Hanoi, with the study site located in the center. The map includes a scale bar (0-2000m) and a north arrow.

PROPOSED REQUIREMENTS

Scale 1" = 40'

SECTION 10-10-1000  
UNINCORPORATED COUNTY, NEVADA  
CLARK COUNTY REGISTERED CLERK  
SCALE 1" = 40'



**ENTHUSIASTIC ASSOCIATES**  
and engineering & land surveying  
200 Southside Blvd., Richmond, VA 23260  
Phone: (804) 775-1900 Fax: (804) 775-1700

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